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U.S. DISTRICT COURT E.D.N.Y.

★ APR 2 - 2019 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, and
STATES OF ALABAMA, CALIFORNIA,
CONNECTICUT, COLORADO, DELAWARE,
FLORIDA, GEORGIA, HAWAII, ILLINOIS,
INDIANA, IOWA, LOUISIANA, KANSAS,
MARYLAND, MICHIGAN, MINNESOTA,
MONTANA, NEVADA, NEW HAMPSHIRE,
NEW JERSEY, NEW MEXICO, NEW YORK,
NORTH CAROLINA, OKLAHOMA, RHODE
ISLAND, TENNESSEE, TEXAS, VERMONT,
WASHINGTON, COMMONWEALTHS OF
KENTUCY, MASSACHUSETTS,
PENNSYLVANIA, VIRGINIA, and DISTRICT
OF COLUMBIA,
ex rel. PATSY GALLIAN,

Plaintiffs,

- against -

AMERISOURCEBERGEN
CORPORATION,
AMERISOURCEBERGEN SPECIALTY
GROUP, and US BIOSERVICES
CORPORATION, ENTITIES d/b/a U.S.
BIOSERVICES CORPORTATION, JANE
DOE and JOHN DOES,

Defendants.

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THE GOVERNMENT'S NOTICE OF ELECTION TO DECLINE INTERVENTION

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in the name of the United

FILED UNDER SEAL

Civil Action No.
16-CV-2458

(Vitaliano, J)
(Bloom, M.J.)

States; providing, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." *Id.* Therefore, the United States requests that, should either the relator or the defendant propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the Government's counsel. The United States reserves its right to order any deposition transcripts, to intervene in this action, for good cause, at a later date, and to seek the dismissal of the relator's action or claim. The United States also requests that it be served with all notices of appeal.

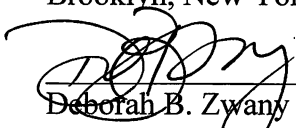
Finally, the Government requests that the relator's Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended. A proposed Order is attached.

Respectfully submitted,

Dated: Brooklyn, New York
March 27, 2019

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